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Morality or Enjoyment? On Althusser’s Ideological Supplement of the Law

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The Law and Its Moral Supplement

Louis Althusser’s recently translated book, *On the Reproduction of Capitalism*, is a more detailed treatment of the theory of ideology popularized in his essay, “Ideology and Ideological State Apparatuses (Notes Towards an Investigation).” This essay, which is often an entry point for contemporary discussions about ideology and subjectivity, has made a significant mark on critical scholarship since its publication. Critical theorists have applied the concept of the Ideological State Apparatuses (ISAs) to read and interpret the ways in which ideology contributes to the reproduction of power in society. In Media and Cultural Studies, for instance (my own field), Althusser’s concept of interpellation has provided a cogent model for understanding the reproduction of ideological hegemony in media spectatorship. Althusser famously claims that ideology interpellates individuals as subjects, and therefore his theory of ideology is tied together with his structural Marxist conception of subjectivity.

In the new book, Althusser explains further that “subject” is a category of the law, but also of legal ideological discourse.¹ “Subject,” as we know from the original essay, is a strictly ideological category for Althusser, but in the new book he shows how it serves the reproduction of the capitalist relations of production through its inclusion in the form of the bourgeois law *and* by being supplemented in the “moral” code of the legal ideology. For instance, as he puts it, “Law says: individuals are *legal* persons, legally free, equal and bound to honour their obligations *as legal persons*.” Legal ideology, in contrast, states that “men are free and equal *by nature*.” In legal ideology, unlike the law itself, it is *nature* that forms the foundation of freedom, equality, and obligation. But regarding the latter, Althusser extends this claim by registering the existence of a moral ideology, reproduced in and by the ISAs, that supplements and inscribes in the subject a sense of *moral* obligation that binds individuals to the law by hailing them in their senses of obligation towards conscience and duty.² The law in practice

is consequently an expression of the capitalist relations of production, but one that functions without ever mentioning them, and through the combination of the legal ideology and its moral supplement, the subject is interpellated as a kind of mediator between the inside and the outside of the legal apparatus, between the formalism of the law and the capitalist relations of production expressed by it in absentia.

I want to focus here on Althusser's theory of the subject and the way that, for him, the *individual* is interpellated as *subject* by ideology and particularly its moral supplement. The problem I have with Althusser's formulation of the subject — a formulation that has received critical attention from Lacanian critical theorists discussed below — is that it fails to conceive or even recognize a subject who *resists* the law's hail, when the ideological edifice begins to break down, where there is *failed* interpellation. It is precisely at the moment of the failure of interpellation, I claim, that the absent cause of the law — the capitalist relations of production and exploitation — may be able to rise to the surface in a more direct and expressive way. Nevertheless, I also claim that we have in recent times witnessed moments of failure or breach in the legal and moral ideology, where in fact such an absent cause has *remained* quite absent, instead expressing itself in symptoms like racialized violence and populist turns to the Right. So it is worth asking whether the moral supplement is enough to maintain the ideological (mis)recognition of the subject in capitalist relations of production. What happens when even the call of the moral supplement towards conscience and duty itself, begins to break down under the continuous revolutionary thrust of the capitalist mode of production — that is, its need to break down its own limits and barriers in the further pursuit of profit?

"Subject" is an ideological category for Althusser because it falls within the formal framework of the (liberal) legal discourse. Because the law does not distinguish between bourgeois and proletarian subjects, the formalism of the law and its application of the category of the subject produces the appearance of formal equality while at the same time reproducing the capitalist relations of production as its "absent cause." In *On the Reproduction of Capitalism*, he highlights two noteworthy formal components of the Civil Law that make it an ally in capitalist relations of exploitation and in the continued reproduction of capitalism without even mentioning the relations of production once. First, he writes, "Law only exists as a function of the existing relations of production"; and, second, "Law has the form of law, that is, formal systematicity, only on condition *that the relations of production* as a function of which it exists *are completely absent from law itself*."³ He adds in a footnote, that "No article of the law code, however, recognizes the fact that certain subjects (the capitalists) own the means of production, while others (the proletarians) have no means of production at all. This element (the relations of production) is accordingly absent from the law which, at the same time, *guarantees it*."⁴ The law in other words, bourgeois law, has the effect of creating the *appearance* of formal equality, while at the same time failing to include the fact of class inequality in the form of ownership

of the means of production (there are some who own and some who do not), and the resulting relations of production (that is, the relations of exploitation). The formalism of the law therefore makes possible the reproduction of the capitalist relations of production without necessarily having to name this as its content. Legally, formally, everyone is entitled to own means of production; it's just that capitalism necessarily requires a great many to be in the position of non-ownership, and therefore positioned as exploitable labor. Liberal ideology conveniently divorces the *political* from the *economic*. The economic mode of production becomes, in other words, the "absent cause" of the political-legal framework and expresses what Althusser previously (in *Reading Capital*) referred to as "structural causality."

On the Reproduction of Capitalism provides a clearer picture of how, exactly, the mode of production operates as an absent cause of the legal structure, as a system that supports and reproduces capitalist relations of production without even naming them. Despite this fact, and aside from the structural absence of the mode of production from the form of the law, the proficiency of the law, and hence its applicability in the reproduction of the relations of production, requires an additional ideological supplement, since the law is never just the law — that is, the law can never simply refer to itself as its own justification.

Althusser's approach is noteworthy because of the way that he theorizes the ISAs as those spaces/practices that supply an ideological supplement to the law, which "educates" the subject in the moral ideological support of the law. In order for it to function — that is, in order for it to be obeyed — the law requires an additional ideological supplement. Although the law can be (re-)enforced through violence, or through the Repressive State Apparatus, in order for any form of power to continuously produce and reproduce itself it cannot rely simply on the use of physical force. This, according to Althusser, is where the *moral* ideology of conscience and duty, of obligation towards the dictum of the legal discourse of freedom and equality steps in. What remains insightful about Althusser's model is the way that he conceives the corresponding ISAs, which support the ideology of the state and the law through practices of ideological "training," so to speak. It is in the ISAs that, for him, individuals are *interpellated* as subjects.

Interpellation and the New Theory of Structural Causality

Althusser's theories of structural causality and ideological interpellation have been reworked in recent decades within the Lacanian theoretical edifice. Unlike the Althusserian approach, which theorizes the incorporation of the subject into the legal framework, the Lacanian approach asks about what happens when *gaps* in the structure become apparent and its efficacy encounters a potential moment of dissolution (maybe, even, "dis-illusion"). Mladen Dolar writes that, according to Althusser, "the subject is what makes ideology work; [whereas] for [Lacanian] psychoanalysis, the subject emerges where ideology fails."⁵ In the Lacanian conception

set out by Dolar, “subject” names, not merely the agency of ideological breakdown, but also the moment of gap or lack in the ideological edifice. *Resistance* to interpellation, as Slavoj Žižek puts it, is the subject.⁵ I’d like to take Dolar’s Lacanian conception of the subject a step further in rethinking the relationship between the subject and the ISAs, particularly the question as to how the subject *internalizes* the moral-legal ideology of the apparatus that Althusser highlights in the chapter on “Law” in *On the Reproduction of Capitalism*. What appears to be missing in Althusser’s account of interpellation is the *precipitous* move on the part of the subject to resolve the deadlock regarding *its own status* — that is, towards the question of the subject’s own sense of certainty, of being in the world.⁶

Žižek argues instead that “The first thing to do apropos of interpellation in a Lacanian approach is therefore to reverse Althusser’s formula of ideology which ‘interpellates individuals as subjects’: it is never the individual which is interpellated as subject, *into* subject; it is on the contrary the subject itself who is interpellated as x (some specific subject-position, symbolic identity or mandate), thereby eluding the abyss of \$ [the barred subjectivity/lack of being].”⁷ In this sense, interpellation always has a kind of *anticipatory* quality to it: I identify as x in order to *evade* the traumatic possibility of non-existence, or “lack.”⁸ I cling to the ideological discourse because it protects me from traumatic uncertainty regarding my status as subject. In the Lacanian paradigm, subjectivization does not represent an “internalization of the external contingency” — that is, the ideological conditioning or training of the subject in the ISAs — instead, ideological interpellation “resides in *externalization* of the result of an inner necessity.”⁹ Interpellation therefore functions because it is the *subject* who is seeking *external* validation, the source of which is the sublimation of the drive towards *enjoyment*. The subject clings to the source of the ideological hail because it allows her to reconcile her relationship to the inner tension of her desire, the traumatic lack that marks her as subject. “Subject,” therefore, in the Lacanian edifice, as the product of failed interpellation, coincides with the gap in the structure of the law. The emergence of the subject from failed interpellation, in this way, brings to the surface the absent cause of the legal structure, for example, the relations of exploitation in the mode of production.

Bruno Bosteels links this conception of the subject to a “new” theory of structural causality found in recent Lacanian inspired critical theory. In a first move, he explains how theorists such as Ernesto Laclau and Chantal Mouffe, in *Hegemony and Socialist Strategy*,¹⁰ argue that the social field, just like the Lacanian Symbolic order, “is articulated around the real of an antagonism, which resists symbolization... The structure is not-all: there is always a gap, a leftover, a remainder — or, if we change the perspective slightly, an excess, a surplus, something that sticks out. A social formation is not only overdetermined but constitutively incomplete.”¹¹ Therefore, according to Laclau and Mouffe, “society” does not exist as a valid object of discourse. Bosteels adds that “The absence, or lack, of an organic society is, then, the point of the real

of politics.”¹² It is at this point that the *class struggle* (the political *at the heart of* the economic mode of production) becomes recognizable as the structural *impossibility* of the social whole. Class struggle, like the Lacanian subject, emerges where society fails. Therefore, in a second move, Bosteels identifies this gap in the social field as the subject herself. “The subject ‘is’ nothing but this gap in the structure.”¹³ The subject, then, “is strictly correlative to its own impossibility,”¹⁴ or, as we saw earlier with Dolar, the subject emerges where ideology fails.

Finally, in the last move, ideology is identified as a fantasy formation, a *supplement* that conceals the gap or lack in the field of the social. For Žižek, this supplement is played by the role of enjoyment, or *jouissance*, which ties the subject to the surface level of ideological propositions — that is, the search for certainty through external validation. As we’ve seen, for Althusser, the supplement to ideology exists in the content of the moral ideology, the obligation towards conscience and duty — that is towards liberal assumptions about natural freedom and equality, produced in and through the ISAs; for Žižek, instead, it is the surplus-enjoyment produced by the lack or gap in the social/subject that supplements the surface level of ideological propositions.

The Decay of the Moral Supplement and the Obligation to Enjoy

Reflecting upon the differences between the Althusserian and the Lacanian conceptions of interpellation and subjectivization, I want to, in conclusion, advance one particular reason why the Lacanian version proposed by Dolar and Žižek might seem preferable in the context of twenty-first century capitalism. Partly due to Right/liberal claims about the supposed “end of history” or the “end of ideology,” but equally due to a whole array of critical theory seeking to abandon the Marxist and even Althusserian theory of ideology, as well as the Marxist “metanarrative” of historical materialism — especially in the work of poststructuralist thinkers, from Foucault to Lyotard — it’s possible to claim that we now live in a supposedly post-ideological era. This is a theme expressed by Fredric Jameson’s use of Lacan’s formula for psychosis — as a “breakdown of the signifying chain” — to develop his theory of postmodernism. What such a “breakdown” registers, on the one hand, is the ongoing dissolution of the traditional moral supplement used in the interpellation of subjects in their moral obligation towards their duty, precisely under the auspices of capitalist processes of deterritorialization. Capitalism, and neoliberal capitalism in particular, is anti-Oedipal in exactly the way that Deleuze and Guattari¹⁵ claimed that it was, in that it constantly requires the decoding and deterritorialization of tradition and the status quo. As Mark Fisher puts it, “capitalism brings with it a massive desacralization of culture. It is a system which is no longer governed by any transcendent Law; on the contrary, it dismantles all such codes, only to re-install them on an *ad hoc* basis.”¹⁶ Capitalist processes of accumulation, production, and reproduction, are in a constant state of change and transformation, and therefore require the continued decoding

of established meanings. On the other hand, as a result of two mutually reinforcing discourses developed in the postwar period — the discourse of consumerism and the discourse of anti-Communism — the modern capitalist moral ethic of (patriarchal) prohibition has been transformed into the postmodern obligation towards enjoyment.

The subject is, today, according to Žižek, interpellated by a constant injunction towards enjoyment. In consumer society, so we are told, there is nothing preventing us from fulfilling our desire for pleasure — this is also why we find moral criticisms against consumerism coming from the conservative Right, which it often blames for the disruption of the moral code. As well, we are reminded that, unlike in totalitarianism, as in the case of the former Soviet Union, authority will not block our access to enjoyment. We are, therefore, apparently free to enjoy as we please. The problem, however, is that, from the Lacanian perspective, the kind of enjoyment demanded is a structural impossibility. This is why, if we follow through with this conception of enjoyment, we are constantly doomed to fail. Nevertheless, the injunction towards obligatory enjoyment produces a surplus of libidinal energy requiring an outlet; it requires discharge. This rather asignifying irrational and metonymic pursuit of desire, like the uncertain status of the subject herself, requires external validation in some kind of meaningful apparatus of signification as a means of relief.

Today, we are faced with an assortment of competing signifying discourses charged with relieving the subject of the uncertainty with regards to her status as subject, but also with the discharge of surplus-enjoyment. From the more benign spaces of social media engagement, into which we escape to evade traumatic social existence, to more virulent discourses of extremism and Right-wing populism, and even now with the growing popularity of the so-called “alt-Right” movement in the wake of the electoral victory of Donald Trump, the lack of a meaningful trust in the moral code of the legal ideology seems to correlate with the emergence of new systems of reactionary subjectivity. My point, if I can put it more bluntly, is that today ideological hegemony is kept together less by the moral supplement towards dutiful obligation and respect for the legal ideology. Rather, following from the Lacanian theory of ideology, it is, I claim, tied up with the need to escape the traumatic confrontation with impossible enjoyment. Symptomatically, this means that if it is going to maintain its impact and strength, Althusser’s theory of ideology and the ISAs needs to be reconciled with neoliberal and postmodern processes of interpellation and the role of enjoyment in supporting and supplementing the (class) state authority and its power, in order to make sense of the uncertain times of the post-crisis decay of the liberal bourgeois sense of moral obligation towards duty and conscience, and even in defense of the legal ideology’s penchant towards freedom and equality.

Notes

1. As he puts it later on, in the chapter on ideology, “only with the advent of bourgeois ideology, legal ideology in particular, the category of the subject... is the category constitutive of all ideology.” Louis Althusser, *On the Reproduction of Capitalism* (New York: Verso, 2014) 188.
2. Althusser, *On the Reproduction of Capitalism* 68.
3. *On the Reproduction of Capitalism* 59.
4. *On the Reproduction of Capitalism* 59n2.
5. Mladen Dolar, “Beyond Interpellation,” *Qui parle* 6.2 (1993) 78. Slavoj Žižek, “Postmodernism or Cultural Studies? Yes Please!” in Judith Butler, Ernesto Laclau, and Slavoj Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (New York: Verso, 2000) 115. Cultural studies critiques of the Althusserian conception of interpellation, particularly as it has been used in so-called Screen Theory, resonate for instance in Stuart Hall’s (1980) “Encoding/Decoding” model of media reception, which argues for different types of ideological mis/recognition, such as in his examples of “negotiated” and “counter-hegemonic” readings of mediated content. I take his “counter-hegemonic” position to overlap somewhat with the Lacanian conception of failed interpellation. See Hall, “Encoding/Decoding,” *Media and Cultural Studies: Keywords*, 2nd ed., eds. Meenakshi Gigi Durham and Douglas Kellner (Malden: Wiley-Blackwell, 2012).
6. Slavoj Žižek, *Tarrying with the Negative: Kant, Hegel, and the Critique of Ideology* (Durham: Duke University Press, 1993) 73.
7. Žižek, *Tarrying with the Negative* 73-74. On this subject, see also Matthew Flisfeder, *The Symbolic, The Sublime, and Slavoj Žižek’s Theory of Film* (New York: Palgrave Macmillan, 2012) 133-34.
8. As Žižek puts it elsewhere, the problem for psychoanalysis is not “does the world out there exist?”; rather, for the subject of psychoanalysis “is that I myself do not exist.” See Slavoj Žižek, “Connections of the Freudian Field to Philosophy and Popular Culture” *Interrogating the Real*, eds. Rex Butler and Scott Stephens, (New York: Continuum, 2005) 57.
9. Slavoj Žižek, “The Spectre of Ideology,” *Mapping Ideology*, ed. Slavoj Žižek (New York: Verso, 1994) 4, emphasis added.
10. Ernesto Laclau and Chantal Mouffe. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (New York: Verso, 1985).
11. Bruno Bosteels, “Alain Badiou’s Theory of the Subject: The Recommencement of Dialectical Materialism?” *Lacan: The Silent Partners*, ed. Slavoj Žižek (New York: Verso, 2006) 128.
12. Bosteels, “Theory of the Subject” 128.
13. “Theory of the Subject” 129.
14. “Theory of the Subject” 129.
15. Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia* (Minneapolis: University of Minnesota Press, 1983).
16. Mark Fisher, *Capitalist Realism: Is There No Alternative?* (Winchester: Zero Books, 2009) 6.

